

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7230

BILL NUMBER: SB 509

NOTE PREPARED: Feb 12, 2013

BILL AMENDED: Feb 7, 2013

SUBJECT: Human Trafficking.

FIRST AUTHOR: Sen. Waterman

FIRST SPONSOR: Rep. McMillin

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill makes it promotion of human trafficking of a minor to knowingly or intentionally recruit, harbor, or transport a child less than 18 years of age with the intent of: (1) engaging the child in forced labor or involuntary servitude; or (2) inducing or causing the child to engage in prostitution or an unlawful performance that includes sexual conduct. (Current law applies only to a child less than 16 years of age and does not apply to an unlawful performance.)

The bill also makes it sexual trafficking of a minor to knowingly or intentionally sell or transfer custody of a child less than 18 years of age for sexual purposes. (Current law applies only to a child less than 16 years of age).

Effective Date: July 1, 2013.

Explanation of State Expenditures:(Revised) It is unknown how many additional cases might occur from raising the age for the crime of promotion of human trafficking of a minor, a Class B felony, and sexual trafficking of a minor to a child, a Class A felony, to 18 years of age. During CY 2011, two people were committed for human trafficking of a minor.

A Class A felony is punishable by a prison term ranging from 20 to 50 years, and a Class B felony is punishable by a prison term ranging from 6 to 20 years, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per

prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class A felony offenders is approximately 9.1 years and approximately 3.7 years for Class B felony offenders.

Explanation of State Revenues: (Revised) If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B or Class A felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

Fiscal Analyst: Chuck Mayfield, 317-232-4825.